

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13266 OF 2018
WITH
CIVIL APPLICATION NO.1147 OF 2019

Mr. Vasant Bhairu Mate And Anr. ...Petitioners
Versus
Shri. Rajendra Prabhakar Kudtarkar ...Respondent

Mr. Somnath Thengal i/b. R. M. Haridas for the Petitioner.

CORAM : RAJESH S. PATIL, J.

DATED : 6 FEBRUARY 2024

P.C.:

1. Mr. Thengal submits that by an order dated 27 April 2019, it was recorded that the parties have decided to settle the entire controversy between themselves amicably. The order dated 22 April 2019 passed in the present Writ Petition is reproduced herein below :-

“1. Heard Mr.R.M. Haridas, learned Counsel for the petitioners.

2. The petition was heard on 7.2.2019. In paragraph-5 of that order it was recorded that the parties have decided to settle the entire controversy between themselves amicably. The respondent agreed to accept Rs.13 Lakhs as and by way of full and final settlement of his claims in respect of the suit premises. The respondent also agreed to cancel Power of Attorney as also agreement for sale dated 20.6.2007 and leave and

licence agreement dated 12.6.2008. The petitioners agreed to deposit Rs.13 Lakhs in this Court within six months in the following manner :

[a] The petitioners will deposit Rs.2,00,000/- within one month from 7th February, 2019 i.e on or before 7th March, 2019.

[b] The petitioners will further deposit Rs.2,00,000/- within one month from 7th March, 2019 i.e on or before 8th April, 2019.(7th April-Sunday)

[c] The petitioners will further deposit Rs.2,00,000/- within one month from 8th April, 2019 i.e on or before 8th May, 2019.

[d] The petitioners will further deposit Rs.2,00,000/- within one month from 8th May, 2019 i.e on or before 10th June, 2019. (9th June-Sunday)

[e] The petitioners will further deposit Rs.2,00,000/- within one month from 10th June, 2019 i.e on or before 10th July, 2019.

[f] The petitioners will deposit remaining Rs.3,00,000/- within one month from 10th July, 2019 i.e on or before 13th August, 2019.

3. Mr. Haridas states that the petitioners have deposited Rs.2 Lakhs within the stipulated time. The petitioners have, however, not complied clause [b] of paragraph-5 by depositing Rs.2 Lakhs on or before 8.4.2019. He assures that he will bring Demand Draft for showing compliance of clause [b] of paragraph-5 of the order dated 7.2.2019.

4. In view thereof, list the petition on 02.05.2019 in the Supplementary Board.”

2. Mr. Thengal submits that his client has complied the direction given in order dated 22 April 2019.

3. In view of the same, the Writ Petition is disposed of. Consequently, Civil Application/Interim Application stands disposed of.

(RAJESH S. PATIL, J.)